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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Paramount Group, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1633 Broadway, Suite 1801 New York, NY 10019 UNITED STATES		

Attorney information	Eric T. Fingerhut Dykema Gossett PLLC 1300 I Street, N.W. Suite 300 Washington, DC 20005 UNITED STATES efingerhut@dykema.com, smckee@dykema.com, jstiven@dykema.com, ipmail@dykema.com Phone:202.906.8618
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### Registration Subject to Cancellation

Registration No	3421709	Registration date	05/06/2008
Registrant	Paramount Destinations Inc.; DBA Paramount Destinations 520A Old Stoney Road Corolla, NC 27927 UNITED STATES		

### Goods/Services Subject to Cancellation


Class 036. First Use: 2007/03/28 First Use In Commerce: 2007/03/28  
All goods and services in the class are cancelled, namely: Real property management for vacation homes


### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85310552	Application Date	05/03/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PARAMOUNT GROUP		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1979/11/28 First Use In Commerce: 1979/11/28 real estate services, namely, rental, leasing, and management of commercial property, offices, and office space		


U.S. Application No.	85310554	Application Date	05/03/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PARAMOUNT GROUP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1979/11/28 First Use In Commerce: 1979/11/28 construction project management services; real estate development and construction of commercial, residential and retail property		

U.S. Application No.	85310550	Application Date	05/03/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PARAMOUNT GROUP		

Design Mark	<b>PARAMOUNT GROUP</b>
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1979/11/28 First Use In Commerce: 1979/11/28 funds investment; management of a capital investment fund; real estate funds investment services; financing of real estate development projects; real estate financing services; management of private equity funds; and real estate investment trust management services

U.S. Application No.	85310556	Application Date	05/03/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PARAMOUNT GROUP REAL ESTATE FUNDS		
Design Mark	<b>PARAMOUNT GROUP REAL ESTATE FUNDS</b>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1979/11/28 First Use In Commerce: 1979/11/28 funds investment; management of a capital investment fund; real estate funds investment services; financing of real estate development projects; real estate financing services; management of private equity funds; and real estate investment trust management services		

U.S. Application No.	85370052	Application Date	07/13/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PARAMOUNT GROUP REAL ESTATE FUNDS		

Design Mark	
Description of Mark	The mark consists of the words "PARAMOUNT GROUP" disposed on a first line and next to an outline of North America, and the words "REAL ESTATE FUNDS" disposed on a second line underneath the first line, wherein portions of the words "REAL" and "ESTATE" are overlayed on a portion of the illustration. The mark further comprises a first horizontal line disposed over the words "PARAMOUNT GROUP", and a second horizontal line disposed below "REAL ESTATE FUNDS".
Goods/Services	Class 036. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 funds investment; management of a capital investment fund; real estate funds investment services; financing of real estate development projects; real estate financing services; management of private equity funds; and real estate investment trust management services

U.S. Registration No.	2685613	Application Date	08/06/2001
Registration Date	02/11/2003	Foreign Priority Date	NONE
Word Mark	PARAMOUNT GROUP, INC.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1979/11/28 First Use In Commerce: 1979/11/28 business management; business consultation; bookkeeping and income tax preparation; and business services, namely facilities management of technical operations Class 036. First use: First Use: 1979/11/28 First Use In Commerce: 1979/11/28 leasing of office space; real estate management		

Attachments	85310552#TMSN.jpeg ( 1 page )( bytes ) 85310554#TMSN.jpeg ( 1 page )( bytes ) 85310550#TMSN.jpeg ( 1 page )( bytes ) 85310556#TMSN.jpeg ( 1 page )( bytes ) 85370052#TMSN.jpeg ( 1 page )( bytes ) 76294992#TMSN.gif ( 1 page )( bytes ) Petition to Cancel.pdf ( 5 pages )(159626 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/Eric T. Fingerhut/
Name	Eric T. Fingerhut
Date	02/14/2012

Reg. No.: 3,421,709  
Registered: May 6, 2008  
Registrant: Paramount Destinations Inc.; DBA Paramount Destinations  
Mark: PARAMOUNT DESTINATIONS & Design  
Class: 36

Cancellation No. \_\_\_\_\_

(1) On information and belief, Paramount Destinations Inc.; DBA Paramount Destinations (“Registrant”) is the owner of United States Registration No. 3,421,709 of the mark PARAMOUNT DESTINATIONS & Design, which issued on May 6, 2008 for “real property

management for vacation homes,” in International Class 36.

(2) Petitioner is the owner of the following United States service mark applications (hereinafter “Petitioner’s PARAMOUNT applications”) including the word PARAMOUNT, alone and in combination with other words and designs:


<b>Trademark Serial No. Registration No.</b>	<b>Goods/Services</b>
PARAMOUNT GROUP  PARAMOUNT GROUP  Serial No.: 85-310552	(Int'l Class: 36) Real estate services, namely, rental, leasing, and management of commercial property, offices, and office space
PARAMOUNT GROUP  PARAMOUNT GROUP  Serial No.: 85-310554	(Int'l Class: 37) Construction project management services; real estate development and construction of commercial, residential and retail property
PARAMOUNT GROUP  PARAMOUNT GROUP  Serial No.: 85-310550	(Int'l Class: 36) Funds investment; management of a capital investment fund; real estate funds investment services; financing of real estate development projects; real estate financing services; management of private equity funds; and real estate investment trust management services
PARAMOUNT GROUP REAL ESTATE FUNDS  PARAMOUNT GROUP REAL ESTATE FUNDS  Serial No.: 85-310556	(Int'l Class: 36) Funds investment; management of a capital investment fund; real estate funds investment services; financing of real estate development projects; real estate financing services; management of private equity funds; and real estate investment trust management services
PARAMOUNT GROUP REAL ESTATE FUNDS & Design    Serial No.: 85-370052	(Int'l Class: 36) Funds investment; management of a capital investment fund; real estate funds investment services; financing of real estate development projects; real estate financing services; management of private equity funds; and real estate investment trust management services

(3) During its examination of Petitioner’s U.S. Application No. 85/310,552, the United States Trademark Office cited Registrant’s PARAMOUNT DESTINATIONS & Design registration as a bar to registration under Section 2(d) of the Federal Trademark Act, thereby

precluding registration of Petitioner's mark PARAMOUNT GROUP covered by U.S. Application No. 85/310,552.

(4) Petitioner is damaged by the existence of United States Registration No. 3,421,709 as its citation as the basis of a Section 2(d) refusal precludes the registration of Petitioner's PARAMOUNT GROUP mark for "real estate services, namely, rental, leasing, and management of commercial property, offices and office space," in International Class 36.

(5) In addition to Petitioner's PARAMOUNT applications, Petitioner is the owner of the following registration of the mark PARAMOUNT GROUP, INC. & Design:

Trademark Registration No.	Goods/Services
PARAMOUNT GROUP, INC. and Design  Registration No.: 2,685,613	(Int'l Class: 36) Leasing of office space; real estate management  (Int'l Class: 35) Business management; business consultation; bookkeeping and income tax preparation; and business services, namely facilities management of technical operations

(6) Well prior to the application filing date, issuance of and date of first use alleged in United States Registration No. 3,421,709, Petitioner adopted, used, and is still using the trade name, trademark and service mark PARAMOUNT in interstate commerce in the fields of real estate services, namely, rental, leasing and management of commercial property, offices, and office space, and a wide-variety of other Class 36 services.

(7) Petitioner is the owner of the trade name, trademark and service mark PARAMOUNT GROUP, INC. Petitioner has continuously used said name and mark and Petitioner's PARAMOUNT marks for a wide-variety of Class 36 services, and in the advertising and sale thereof, since well prior to the application filing date, issuance of and the date of first use alleged in United States Registration No. 3,421,709.

(8) By virtue of the prior use and continuous advertising and sales of services in the



fields of real estate services, namely, rental, leasing, and management of commercial property, offices and office space, and other retail estate services, purchasers of such services have come to recognize the mark PARAMOUNT as the source of Petitioner's services. As a result, Petitioner has established valuable goodwill and exclusive rights in Petitioner's PARAMOUNT marks pleaded in Paragraphs 2 and 5 above.

(9) As indicated above, Petitioner duly registered the mark PARAMOUNT GROUP, INC. & Design in the United States Patent and Trademark Office under Registration No. 2,685,613 for, *inter alia*, "leasing of office space; real estate management, in International Class 36" (with "GROUP INC." disclaimed). Said registration issued on February 11, 2003 and has been incontestable since February 13, 2009.

(10) Registration No. 2,685,613 is *prima facie* evidence of the validity thereof and Petitioner's ownership and exclusive right to use the mark PARAMOUNT GROUP, INC. & Design in commerce in connection with the Class 36 and 37 services in the registration, and is constructive notice of Petitioner's ownership thereof, all as provided by §§ 7(b) and 22 of the Federal Trademark Act of 1946, as amended. The right to use the mark PARAMOUNT GROUP INC. & Design having become incontestable, Registration No. 2,685,613 is conclusive evidence of Petitioner's exclusive right to use the mark in commerce in connection with the Class 36 and 37 services in the registration, as provided by §§ 15 and 33(b) of the Federal Trademark Act.

(11) The United States Patent and Trademark Office indicated in its examination of Petitioner's U.S. Application No. 85/310,552 that Petitioner's real estate services, namely, rental, leasing, and management of commercial property, offices and office space, and Registrant's real property management services for vacation homes, described in United States Registration No. 3,421,709, are similar in kind and/or closely related because both are "property management

services.” In addition, the United States Patent and Trademark Office indicated that Petitioner’s management of commercial real property is not exclusive of vacation homes. According to the United States Patent and Trademark Office Examiner, the similarity in commercial impression along with the related nature of Petitioner’s and Registrant’s services may result in a consumer encountering the marks and wrongly assuming that the services are derived from a common commercial source. Therefore, based on this analysis of the United States Patent and Trademark Office, purchasers, prospective purchasers, and others are likely to be confused or mistakenly believe, contrary to fact, that Registrant’s services rendered under the mark PARAMOUNT DESTINATIONS & Design emanate from and/or are in some way sponsored or approved by Petitioner and/or that Registrant is somehow affiliated with Petitioner, thereby damaging Petitioner.

(12) For the reasons set forth above, Petitioner is being damaged by the continued existence of United States Registration No. 3,421,709 and the business and goodwill of Petitioner is further damaged in that said registration tends to create or maintain statutory rights in violation and derogation of the established rights of Petitioner.

WHEREFORE, Petitioner respectfully requests that judgment be entered herein cancelling United States Registration No. 3,421,709.

PARAMOUNT GROUP, INC.

Dated: February 14, 2012

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